

**REMARKS**

Claims 1-62 are pending in this application. Claims 1-62 are rejected. Claim 33 is objected to because of informalities. Claims 1, 24, 33 and 43 have been amended. Reconsideration of the claims is requested in light of the following remarks.

Claim 33 was objected to for reasons of informality and has been amended in accordance with the Examiner's request.

**Claim Rejections – 35 USC § 103**

Schuster in view of Wan: Claims 1-6, 8, 10, 14-16, 24-27, 30, 33-36, 43-48, 49, 51 and 54-57

Claims 1-6, 8, 10, 14-16, 24-27, 30, 33-36, 43-48, 49, 51 and 54-57 are rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 6,170,075 B1 to Schuster ("Schuster") in view of U.S. Pat. No. 6,539,205 B1 to Wan ("Wan").

Claim 1 as amended requires in part: "if the packet switched network connection is under utilized, generating redundant data by replicating the original voice data". As stated in the office action, Schuster does not explicitly teach detecting the connection is under utilized and generating redundant data by replicating the original voice data.

Wan discusses a traffic channel quality estimation from a digital control channel. In particular, Wan provides a method and apparatus in a wireless system for monitoring an associated but separate control channel and estimating a gross bit error rate (BER) in the associated traffic or data channel. In fact, Wan teaches away from using the traffic channel for channel quality indication due to its high incidence of noise [see col. 2, lines 2-5]. Wan does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data and therefore does not cure the deficiencies of Schuster for claim 1 as amended.

Independent claims 24, 33 and 43 were amended to contain the similar clarifying limitation as claim 1 and are therefore patentably distinguishable over the prior art for at least the same reasons. Claims 2-6, 8, 10 and 14-16 depend from claim 1, claims 25-27 and 30 depend from claim 24, claims 34-36 depend from claim 33, and claims 44-49, 51 and 54-57 depend from claim 43 and are patentably distinguishable over the prior art for at least the same reasons as the independent claims.

Claim 17 was not stated in this 103 rejection at element 3 of the Office Action dated 12/02/2005 but applicants believe was rejected under Schuster in view of Wan. Applicants

respectfully submit that claim 17, due to its dependency to claim 1, is patentably distinguishable over the prior art for at least the same reasons as claim 1.

Schuster in view of Wan and Pandula: Claims 7 and 29

Claims 7 and 29 are rejected under 35 USC 103(a) as being unpatentable over Schuster in view of Wan in further view of U.S. Pat. No. 5,640,415 to Pandula ("Pandula").

Applicants agree with the Examiner that Schuster does not explicitly teach detecting the connection is under utilized and generating redundant data by replicating the original voice data. Additionally, as discussed, Wan does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data.

Pandula discusses a bit error performance of a frequency hopping, radio communication system. In particular, Pandula discusses a technique of redundantly retransmitting digitized voice data on multiple sequential frequencies to increase a channel bit rate above a minimum required for normal communication in a frequency-hopping communication system for digitized voice signals. Pandula does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data. Therefore, Pandula does not cure the deficiencies of Schuster, even in view of Wan, and claims 7 and 29 are patentably distinguishable over the prior art for at least this reason.

Schuster in view of Wan and Tsunoda: Claims 9, 21-23, 28, 40-42, 50 and 60-62

Claims 9, 21-23, 28, 40-42, 50 and 60-62 are rejected under 35 US C 103(a) as being unpatentable over Schuster in view of Wan in further view of U.S. Pat. No. 6,516,435 B1) to Tsunoda ("Tsunoda").

Applicants agree with the Examiner that Schuster does not explicitly teach detecting the connection is under utilized and generating redundant data by replicating the original voice data. Additionally, as discussed, Wan does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data.

Tsunoda discusses a code transmission scheme for a communication system using error correcting codes and in particular to a coding scheme to reduce a circuit size and increase flexibility in particular for multicast groups. Tsunoda does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and

generating redundant data by replicating the original voice data. Therefore, Tsunoda does not cure the deficiencies of Schuster, even in view of Wan, and claims 9, 21-23, 28, 40-42, 50, and 60-62 are patentably distinguishable over the prior art for at least these reasons.

Schuster in view of Wan and Dedrick: Claims 11, 12, 18, 19, 31, 32, 37, 38, 52, 53, 58 and 59

Claims 11, 12, 18, 19, 31, 32, 37, 38, 52, 53, 58 and 59 are rejected under 35 USC 103(a) as being unpatentable over Schuster in view of Wan in further view of U.S. Pat. No. 5,754,787 to Dedrick ("Dedrick").

Applicants agree with the Examiner that Schuster does not explicitly teach detecting the connection is under utilized and generating redundant data by replicating the original voice data. Additionally, as discussed, Wan does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data.

Dedrick discusses a system for electronically publishing objects with a header for specifying minimum and maximum required transport delivery rates and threshold being amount publisher is willing to pay. In particular, Dedrick discusses a smart electronic information transport router which correctly transmits electronic information when connected to multiple parallel but bandwidth diverse transport channels. Dedrick does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data. Therefore, Dedrick does not cure the deficiencies of Schuster, even in view of Wan, and claims 11, 12, 18, 19, 31, 32, 37, 38, 52, 53, 58 and 59 are patentably distinguishable over the prior art for at least these reasons.

Schuster in view of Wan and Dedrick and Sidhu: Claims 13, 20 and 39

Claims 13, 20 and 39 are rejected under 35 USC 103(a) as being unpatentable over Schuster in view of Wan in view of Dedrick in further view of U.S. Pat. No. 6,366,959 to Sidhu ("Sidhu").

Applicants agree with the Examiner that Schuster does not explicitly teach detecting the connection is under utilized and generating redundant data by replicating the original voice data. Additionally, as discussed, neither Wan nor Dedrick teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data.

Sidhu discusses a method and apparatus for a real time communication system buffer size and error correction coding selection. In particular, Sidhu discusses selecting between sets of buffers with different sizes and error correction coding. Sidhu also does not teach or suggest detecting the *packet switched network connection* (traffic channel) is under utilized and generating redundant data by replicating the original voice data. Therefore, Sidhu does not cure the deficiencies of Schuster, even in view of Wan in view of Dedrick, and claims 13, 20 and 39 are patentably distinguishable over the prior art for at least these reasons.

### CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-62 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

*Julie L. Reed*

Julie L. Reed  
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97204  
503-222-3613

Customer No. 20575

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (571) 273-8300, on March 2, 2006.

Signed:

*Judy Wigmore*  
Judy Wigmore